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5 Attorneys for Plaintiff M&M AUTOMOTIVE
6 GROUP, INC., a California corporation dba
OAKLAND MITSUBISHI

7
8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA

11 M&M AUTOMOTIVE GROUP, INC., a
California corporation, dba OAKLAND
12 MITSUBISHI,

13 Plaintiff,

14 vs.

15 MITSUBISHI MOTORS OF NORTH
AMERICA, INC., and DOES 1 through 100,
16 inclusive,

17 Defendants.
18 _____ /

CASE NO. C 06-07696 MMC

**STIPULATION TO DISMISS RICO
CLAIM AND FOR REMAND OF CASE
TO CALIFORNIA STATE COURT
AND ~~PROPOSED~~ ORDER**

Date: January 26, 2007
Time: 9:00 a.m.
Courtroom: 7
Judge: Hon. Maxine M. Chesney

19 Plaintiff M&M AUTOMOTIVE GROUP, INC., and Defendant MITSUBISHI MOTORS
20 NORTH AMERICA, INC., named herein as MITSUBISHI MOTORS OF NORTH AMERICA,
21 INC., through their respective counsel herein, stipulate and request that the Court issue an Order
22 as follows:

- 23 1. Plaintiff's Fourth Cause of Action (Civil RICO violations under 18 USC 1962) will
24 be dismissed without prejudice;
- 25 2. The Motions to Dismiss and Strike filed by Defendant and set for hearing on January
26 26, 2007 will be taken off calendar and the hearing vacated;
- 27 3. The case will be remanded to the Superior Court of the State of California in and for
28 the County of Alameda; and,

4. Within 30 days of notice of the issuance of the Order remanding the case to the Alameda County Superior Court, Plaintiff will file a First Amended Complaint, which will not contain the cause of action for Civil RICO violations.

IT IS SO STIPULATED:

Dated: January 18, 2007

BELZER, HULCHIY & MURRAY

By: 

Robert P. Rich
Attorneys for M&M AUTOMOTIVE
GROUP, INC., a California corporation dba
OAKLAND MITSUBISHI

Dated: January 17, 2007

BINGHAM McCUTCHEN LLP

By: /s/

Aaron Schur
Attorneys for MITSUBISHI MOTORS
NORTH AMERICA, INC.

I hereby attest that I have on file all holographic signatures for any signatures indicated by a "conformed" signature (signature symbols /s/) within this e-filed document.

Dated: January 18, 2007


Robert P. Rich

ORDER

Based on the Stipulation of the parties hereinabove, and good cause appearing, IT IS
HEREBY ORDERED THAT:

1. Plaintiff's Fourth Cause of Action (Civil RICO violations under 18 USC 1962) is dismissed without prejudice;
2. The Motions to Dismiss and Strike filed by Defendant and set for hearing on January 26, 2007 are taken off calendar and the hearing is vacated;
3. The case is remanded to the Superior Court of the State of California in and for the County of Alameda; and,
4. Within 30 days of notice of the issuance of the Order remanding the case to the Alameda County Superior Court, Plaintiff will file a First Amended Complaint, which will not contain the cause of action for Civil RICO violations.

Dated: January 18, 2007


Judge of the United States District Court

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